

**IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF NEBRASKA**

**UNITED STATES OF AMERICA,**

**Plaintiff,**

**vs.**

**JOSE ESTEBAN HERNANDEZ-  
VILLALBA,**

**Defendant.**

)  
)  
)  
)  
)  
)  
)  
)  
)  
)

**Case No. 8:10CR-334**

**ORDER**

This matter is before the court on the defendant's Motion to Review Detention (#67). The defendant moves the court for an order releasing him into the custody of a third-party custodian. The motion is denied without hearing.

The proposed placement with a third-party custodian fails to address the court's concerns as set out in the August 27, 2010 Detention Order (#24), and fails to rebut the presumption of detention, 18 U.S.C. § 3142(e). I find the defendant should remain committed.

**IT IS ORDERED:** The Defendant's Motion to Review Detention (#67) is denied without hearing.

Dated this 25th day of October 2010.

BY THE COURT:

S/ F.A. Gossett, III  
United States Magistrate Judge